

REMARKS

Status of the Claims

In the present application, Claims 1-41 are currently pending. In this paper, Claims 2-3, 5, 7, 17-19, 23-31, 34, and 38-40 are amended and new Claims 42-45 are presented.

Of the amended claims, Claims 2-3, 5, 7, 17-19, 25, 28, 34, and 38-40, are amended to address misspellings or clerical issues, or to incorporate alternative Markush language consistent with MPEP § 2173.05(h).

New Claims 42 and 43 recite the step of forming an aqueous priming mixture, because this feature is deleted from independent Claims 23 and 26, respectively. The dependencies of Claims 23, 27, and 29-31 are amended accordingly.

Claim 3 is amended to include potassium nitrate, the elected species. Support for this amendment is found at page 4, lines 7-8 of the application.

Each new claim and amendment is fully supported by the application as filed and contains no new matter. Specifically, support for the amendment to Claims 23 and 26 is found in the specification at page 12, 1st full paragraph, as acknowledged in the Office Action mailed March 16, 2006, 2nd paragraph. Support for new Claims 44-45 is found in the specification at page 10, 1st full paragraph.

Response to Restriction Requirement

In the Office Action mailed March 16, 2006, the Patent and Trademark Office ("PTO") entered a restriction requirement, requiring Applicants to elect one of the following groups of claims for examination on the merits:

- Group I. Claims 1-22 and 32-41, drawn to a priming composition; and
- Group II. Claims 23-31, drawn to a method for making a priming composition.

In response to the restriction requirement, Applicants hereby elect, with traverse, **Group I, Claims 1-22 and 32-41**, for examination. Applicants respectfully request that new Claims 44-45, which are drawn to a priming mixture and which depend from Claim 1, also be examined along with the Group I claims.

According to MPEP § 803:

If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

Respectfully, Applicants assert that because Claims 1-45 are closely related, the search and examination of all claims of the application can be made without serious burden. Further, because the independent claims of Group II, Claims 23 and 26, are amended herein to contain all the features of the Group I product Claims 11 and 1, respectively, and because new Claims 42 and 43 depend from Claims 32 and 26, respectively, Applicants request that a search and examination of all claims be conducted.

Rejoinder of Claim 23-31 and 42-43 (Group II) with Group I Claims

Independent Claims 23 and 26, drawn to a method of making a priming mixture, are amended herein to contain all the features of the product Claims 11 and 1, respectively. New Claims 42 and 43 recite the step of forming an aqueous priming mixture to reflect the removal of this feature from independent Claims 23 and 26, respectively.

MPEP 821.04(b) states, in pertinent part:

However, if applicant elects a claim(s) directed to a product which is subsequently found allowable, withdrawn process claims which depend from or otherwise require all the limitations of an allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must depend from or otherwise require all the limitations of an allowable product claim for that process invention to be rejoined. Upon rejoinder of claims directed to a previously nonelected process invention, the restriction requirement between the elected product and rejoined process(es) will be withdrawn.

Respectfully, Applicants reserve the right to have the non-elected Claims 23-31 and 42-43, drawn to a method for making a priming composition, rejoined with the elected Claims 1-22 and 32-41, drawn to a priming composition, upon a notice that any of such compositions claims are allowable.

Election of Species Requirement

In the Office Action mailed March 16, 2006, the PTO has also entered an election of species requirement, requiring Applicants to elect a single species for each of the primary explosive, oxidizer system, gas producing agent, reducing agent, and sensitizer, for examination. In further response to the Election/Restriction, Applicants provide the following elected species claims that read on the elected species, and a list of Claims that, to the best of Applicants' knowledge, are readable thereon. Should the Examiner require additional information that can be provided by the Applicant by a telephone interview, a telephone call to the undersigned attorney is respectfully requested.

Applicants hereby elect, with traverse, the species diazodinitrophenol from among the primary explosives, for prosecution on the merits. Applicants believe Claims 1-45 are readable on this elected species.

Applicants hereby elect, with traverse, the species potassium nitrate from among the secondary oxidizers of the oxidizer system, for prosecution on the merits. Applicants believe Claims 1-45 are readable on this elected species.

Applicants hereby elect, with traverse, the species pentaerythritol tetranitrate from among the gas producing agents, for prosecution on the merits. Applicants believe Claims 1-45 are readable on this elected species.

Applicants hereby elect, with traverse, the species aluminum from among the reducing agents, for prosecution on the merits. Applicants believe Claims 1-45 are readable on this elected species.

Applicants hereby elect, with traverse, the species tetrazene from among the sensitizers, for prosecution on the merits. Applicants believe Claims 1-45 are readable on this elected species.

CONCLUSION

The foregoing is submitted as a full and complete Response to the Office Action mailed March 16, 2006. Early and favorable consideration is earnestly solicited.

If the Examiner believes any informalities remain in the application that can be resolved by telephone interview, a telephone call to the undersigned attorney is requested.

No additional fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required, or credit any overpayment, to Deposit Account Number 09-0528.

Respectfully submitted,



David E. Wigley, Ph.D.
Reg. No. 52,362

WOMBLE CARLYLE SANDRIDGE & RICE
A Professional Limited Liability Company
P.O. Box 7037
Atlanta, GA 30357-0037
(404) 879-2435 (Telephone)
(404) 879-2935 (Facsimile)
(404) 872-7000 (Firm)

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